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| PPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | |
|----------------|---------------------|----------------------|---------------------|------------------|--|
| 10/643,248 | 08/19/2003 | Floyd A. Searer | OME01 P-102 | 4657 | |
| 28101 | 7590 12/02/2005 | | EXAMINER | | |
| VAN DYKE | E, GARDNER, LINN AN | TRAN, HANH VAN | | | |
| 2851 CHARL | EVOIX DRIVE, S.E. | | | | |
| P.O. BOX 888 | 8695 | ART UNIT | PAPER NUMBER | | |
| GRAND RAP | PIDS, MI 49588-8695 | 3637 | | | |

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | Application | No. | Applicant(s) | | | | |
|---|---|-------------|---------------|------------------------|--------------------|-------------|--|--|--|
| Office Action Summary | | 10/643,248 | | SEARER ET AL. | | | | | |
| | | Examiner | | Art Unit | | | | | |
| | | | Hanh V. Tra | | 3637 | | | | |
| Period fo | The MAILING DATE of this commun r Reply | ication app | ears on the | cover sheet with the c | orrespondence ad | ldress | | | |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). | | | | | | | | | |
| Status | | | | | | | | | |
| 1)[🛛 | Responsive to communication(s) file | ed on 19 Au | ıgust 2003. | | | | | | |
| ·— | This action is FINAL . 2b) ☐ This action is non-final. | | | | | | | | |
| , | Since this application is in condition | for allowan | nce except fo | or formal matters, pro | secution as to the | e merits is | | | |
| , | closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. | | | | | | | | |
| Dispositi | on of Claims | | | | | | | | |
| 4)⊠ Claim(s) <u>1-31</u> is/are pending in the application. | | | | | | | | | |
| | 4a) Of the above claim(s) is/are withdrawn from consideration. | | | | | | | | |
| 5) | 5) Claim(s) is/are allowed. | | | | | | | | |
| 6) | 6) Claim(s) is/are rejected. | | | | | | | | |
| 7) | 7) ☐ Claim(s) is/are objected to. | | | | | | | | |
| 8)⊠ | 8) Claim(s) 1-31 are subject to restriction and/or election requirement. | | | | | | | | |
| Applicati | on Papers | | | | | | | | |
| 9) | The specification is objected to by th | ne Examine | r. | | | | | | |
| 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. | | | | | | | | | |
| Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). | | | | | | | | | |
| Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). | | | | | | | | | |
| 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. | | | | | | | | | |
| Priority (| ınder 35 U.S.C. § 119 | | | , | | | | | |
| 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: | | | | | | | | | |
| , | 1. Certified copies of the priority documents have been received. | | | | | | | | |
| | 2. Certified copies of the priority documents have been received in Application No | | | | | | | | |
| 3. Copies of the certified copies of the priority documents have been received in this National Stage | | | | | | | | | |
| application from the International Bureau (PCT Rule 17.2(a)). | | | | | | | | | |
| * See the attached detailed Office action for a list of the certified copies not received. | | | | | | | | | |
| | | | | | | | | | |
| Attachmen | t(s) | | | | | | | | |
| 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) | | | | | | | | | |
| 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date Notice of Informal Patent Appl | | | | | | O-152) | | | |
| 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5) Notice of informat Patent Application (PTO-152) 6) Other: | | | | | | | | | |

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Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

 Claims 1-26, drawn to a shelf having retaining wall, classified in class 108, subclass 27.

II. Claims 27-31, drawn to means for securing a shelf to a center post, classified in class 108, subclass 147.17.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as means for retaining a horizontal support surface at various heights. See MPEP § 806.05(d).
- 3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.
- 4. A telephone call was made to Ms. Catherine Collins on Monday, November 28, 2005 to notify applicant's representative to the above restriction requirement.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one

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or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HVT

November 28, 2005

Hanh V. Tran

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